

REMARKS

Upon entry of the present Reply, claims 1-9 are pending in the application. Claim 1 has been amended, and new claims 5-8 have been added herein. Support for the amendment of claim 1 and for new claim 9 may be found, for example, at page 3, lines 9-10. Support for new claims 5-8 may be found, for example, in the original claims, in the Figure, and from page 2, line 30 to page 3, line 9. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 1-4 UNDER 35 USC §102(b)

Claims 1-4 stand rejected under 35 USC §102(b) based on *Froehlich et al.* Applicants respectfully traverse this rejection for at least the following reasons.

Applicants' invention is directed to a fixing device for producing an anchoring in an undercut drilled hole, which addresses problems resulting from the very limited flexibility of the anchor with respect to the undercut drilled hole. The fixing device of the present invention addresses such problem by means of a curable composition in combination with an anchor bolt surrounded in the region of the anchoring zone with a covering of resilient plastics material. This provides a fixing element in an undercut drilled hole that exhibits resilience in all directions, and the resilience enables inclination of the anchor bolt of about 10 degrees. (See, e.g., Spec., page 1, line 21 to page 2, line 5, page 3, lines 9-10 and the Figure).

Claim 1 has been amended to emphasize this feature of the invention. As amended, claim 1 recites, in addition to the other features, the feature in which the covering of resilient plastics material provides increased flexibility of movement of the anchor bolt within the undercut portion in response to transverse forces, wherein movement of the anchor bolt to an inclination of about 10 degrees is possible.

In *Froehlich et al.*, an anchor rod is described in relation to a conventional drilled hole. *Froehlich et al.* does not teach or suggest an anchor for anchoring in an undercut drill hole as in the case of the present invention. Further, *Froehlich et al.* does not teach or suggest an anchor bolt including an anchoring zone having a portion that widens in cross-section in a direction of insertion and in correspondence with an undercut portion of the undercut drilled hole, wherein movement of the anchor bolt to an inclination of about 10 degrees is possible, as recited in amended claim 1.

To the contrary, the main purpose of *Froehlich et al.* is to prevent adhesion between concrete and the anchor and not to give the anchor the freedom to incline and displace. *Froehlich et al.* discloses an anchor which insures anchoring in cracked tension zones, particularly for dynamically loaded structural components (col. 1, lines 46 ff.). There is nothing in *Froehlich et al.* to suggest the degree of resilience of the present invention.

None of the materials disclosed by *Froehlich et al.*, including the polysiloxin at Column 3, line 11, constitute a resilient plastics material that would be capable of providing the increased flexibility of movement of the anchor bolt within the undercut portion in response to transverse forces as recited in amended claim 1. The polysiloxin and other materials in *Froehlich et al.* do not provide flexibility of movement of the anchor rod within an undercut portion as in the claimed invention. These materials are merely intended to prevent bonding between the anchor rod and the hardened water compound. *Froehlich et al.*, col. 1, lines 51-59.

For at least these reasons, applicants respectfully request withdrawal of the rejection of claim 1 along with claims 2-4 which depend therefrom.

II. NEW CLAIMS 5-9

New claims 5-9 are submitted herein. New claims 5-9 are believed to fully distinguish over *Froehlich et al.* for at least the following reasons.

In the final Office Action, the Examiner contended that since the claims are directed to a fixing device, that the correspondence to an undercut portion of a drilled hole is an intended use of which *Froehlich et al.* would be capable. New claims 5-8 are drawn to a fixing device anchored in an undercut drilled hole in a panel, which *Froehlich et al.* fails to disclose or suggest.

As noted above, in *Froehlich et al.*, an anchor rod is described in relation to a conventional drilled hole. *Froehlich et al.* does not teach or suggest an anchor anchored in a panel having an undercut drill hole as in the case of the present invention. Further, *Froehlich et al.* does not teach or suggest an anchor bolt including an anchoring zone having a portion that widens in cross-section in a direction of insertion and in correspondence with the undercut portion of the undercut drilled hole, as recited in new claim 5. Furthermore, new claim 9 also includes the additional feature wherein movement of the anchor bolt to an inclination of about 10 degrees is possible, which further distinguishes over *Froehlich et al.*

In summary, *Froehlich et al.* does not teach or suggest a fixing as recited in new claim 5. *Froehlich et al.* does not teach or suggest the above-discussed problems associated with existing devices. Moreover, *Froehlich et al.* does not teach or suggest the above-discussed advantages presented by a fixing device in accordance with the present invention.

For at least these reasons, applicants respectfully submit that new claims 5-9 fully distinguish over *Froehlich et al.* and are allowable.

III. CONCLUSION

Accordingly, all claims 1-9 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Application No.: 10/560,456

Should the Examiner consider that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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